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FOR: IO/UNP, S/WCI

E.O. 12958: DECL: 07/06/2017  
TAGS: [ICTY](#) [KAWC](#) [KJUS](#) [PGOV](#) [PREL](#)  
SUBJECT: PROPOSED APPOINTMENTS OF PROSECUTORS FOR THE  
INTERNATIONAL WAR CRIMES TRIBUNALS FOR YUGOSLAVIA (ICTY)  
AND RWANDA (ICTR)

Classified By: Ambassador Khalilzad for reasons 1.4(b) and 1.4(d)

[¶1.](#) This is an action request. Please see Para 5.

[¶2.](#) (C) UN Under-Secretary General for Legal Affairs, Nicolas Michel, informed USUN on July 6, that the Secretary General plans to take action to extend the terms of the current Prosecutors for the ICTR and ICTY. The Statutes of the Tribunals provide that the Prosecutors shall be appointed by the Security Council on nomination by the Secretary-General. Michel indicated that he is consulting

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with the permanent members prior to informing the Security Council of his recommendations.

[¶3.](#) (C) ICTY. Carla del Ponte, ICTY Prosecutor announced several months ago that she would be resigning effective in September. No replacement has been named, although both her Deputy, David Tolbert (US), and Chief Investigator of the International Investigation Commission for Lebanon (UNIIIC), Serge Brammertz (Bel), are interested in the position. Brammertz recently resigned his position as Deputy Prosecutor for the International Criminal Court and has been promised a job with the UN. Although he wants the ICTY Prosecutor position, he has indicated some flexibility. Comment. Extension of del Ponte as Prosecutor would give Brammertz time to complete his work on the Commission. It would also keep options for filling the ICTY Prosecutor position open. End Comment.

[¶4.](#) (C) ICTR Prosecutor. Hassan Jallow (Gambia) was appointed as Prosecutor for the ICTR on September 15, 2003 for a four year term. Pursuant to the Statute of the Tribunal, the Prosecutor is eligible for reappointment. The Secretary General intends to nominate Mr. Jallow for another

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term, the duration of which would be four years or less, if the Tribunal concludes its work before four years.

[¶5.](#) (C) Action Request. USUN requests instructions to inform the UN that the United States will support the extension of Ms. del Ponte as Prosecutor until January 2008 and the re-appointment of Mr. Jallow.  
KHALILZAD